



# California Regional Water Quality Control Board

## Central Coast Region



Terry Tamminen  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>  
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Arnold Schwarzenegger  
Governor

March 17, 2004

Mr. Richard W. McClure  
Olin Corporation  
Environmental Remediation Group  
PO Box 248  
Charleston, TN 37310-0248

Mr. Jay McLaughlin  
President and CEO  
Standard Fusee Corporation  
PO Box 1047  
Easton, MD 21601

Dear Messrs. McClure and Mr. McLaughlin:

### **SLIC: 425 TENNANT AVENUE, MORGAN HILL; REQUEST FROM THE CITY OF MORGAN HILL TO RESUME OPERATION OF THE TENNANT AVENUE WELL**

Regional Board staff have received two letters and a report entitled, *Test Pumping, Downhole Testing, And Discrete-Depth Sampling of Tennant Well Report* (Test Report) from Mr. Steven Koch, the Attorney representing the City of Morgan Hill (City) and Komex, the City's consultant. The letters (attached) and Test Report, dated October 27, 2003 (attached electronically for email receipt), outline the City's request and technical justification to operate the Tennant well (attached). The City is concerned that with the approach of the summer months, a critical water shortage may occur if the Tennant well is not placed back online. According to the City, the well was taken offline because of perchlorate contamination detected in the well. Since that time, the City has secured funding from the Santa Clara Valley Water District for wellhead treatment and now desires to restart the well.

In a letter from Olin Corporation, dated May 13, 2003, Mr. Curt Richards stated that the Tennant well should not be used based on the assumption that operating the well could pull perchlorate into uncontaminated groundwater and complicate onsite remediation efforts. At that time, the site hydrogeologic model was not well developed and onsite groundwater remediation had not been initiated. However, the site hydrogeologic model has since been better defined and indicates that downward vertical gradients do exist. Onsite groundwater remediation also recently commenced and as a reminder, we requested that operation of the Tennant well be considered in your onsite remediation design.

We believe this is an opportune time to reconsider operation of the Tennant well given the above changes. We request that you review and consider the attached letters and the Test Report, your updated knowledge of site hydrogeology, and onsite groundwater treatment operational data and submit a new analysis on whether the Tennant well can or cannot be operated. Your response to this review shall be in the form of a technical report, acceptable

**California Environmental Protection Agency**



March 17, 2004

to the Executive Officer, and shall be submitted by **April 30, 2004**. We encourage Olin to continue to meet with City officials to discuss and resolve this matter if at all practicable. We are also willing to meet with you and the City, if a joint meeting would be beneficial.

Pursuant to Section 13267 of the California Water Code, you are required to provide the above-requested information or technical justification for not including it, by **April 30, 2004**. Failure to submit adequate or complete information may subject you to a Regional Board enforcement action. The Regional Board requires you to submit your response in accordance with Section 13267 of the Water Code to determine the concentrations and movement of the perchlorate plume near the Olin site and to provide current technical information relative to operation of the Tennant Avenue water supply well. We require you to submit the information as the current and former owner of the property, and as one of the previous operators of a flare manufacturing facility that caused soil and groundwater perchlorate contamination at and near the Olin site at 425 Tennant Avenue, Morgan Hill.

Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Board must receive the petition within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

Should you have any questions, please contact **David Athey at (805) 542-4644** or Eric Gobler at (805) 549-3467.

Sincerely,



Roger W. Briggs  
Executive Officer

Enclosures via e-mail only:

- 1) Letter dated December 10, 2003, from Hatch and Parent
- 2) Letter dated October 30, 2003, from Hatch and Parent
- 3) Test Pumping, Downhole Testing, And Discrete-Depth Sampling of Tennant Well Report, Komex, Inc. (attached electronically)

Interested Parties who receive this letter only by hard copy may request a copy of the Test Pumping, Downhole Testing, And Discrete-Depth Sampling of Tennant Well Report, by calling Mr. David Athey at (805) 542-4644.

***California Environmental Protection Agency***

March 17, 2004

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cc via E-mail w/enclosures:

Lori Okun  
Office of the Chief Counsel  
State Water Resources Control  
Board

Jim Ashcraft  
City of Morgan Hill

Rich Chandler  
Komex

Peter Forest  
San Martin County Water

Steven L. Hoch  
Hatch & Parent

Bill O'Braitis  
MACTEC

Sylvia Hamilton  
PCAG

Mr. Tom Mohr  
Santa Clara Valley Water District

PCAG Members

Elected Officials

U.S. Environmental Protection  
Agency

cc via U.S. Mail w/o Test Report  
enclosure;  
with letter enclosures:

Mr. Jay Baska  
City of Gilroy  
7351 Rosanna Street  
Gilroy, CA 95020-6197

Mr. Eric Lacy  
CA Dept. of Health Services  
2151 Berkeley Way  
Berkeley, CA 94704-1011

Ms. Helene Leichter  
City of Morgan Hill  
17555 Peak Avenue  
Morgan Hill, CA 95037

Mr. Eugene Leung  
CA Dept. of Health Services  
2151 Berkeley Way  
Berkeley, CA 94704-1011

Mr. Rob Stern  
7510 Kenbrook Place  
Suwanee, GA 30024

Mr. Richard Peekema  
4817 Wellington Park Dr.  
San Jose, CA 95136

Ms. Suzanne Muzzio  
Santa Clara Co. Env. Health Svc.  
1555 Berger Drive, Suite 300  
San Jose, CA 95112-2716

Mr. Keith M. Casto  
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One Embarcadero, 16th Floor  
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*California Environmental Protection Agency*

11911 San Vicente Boulevard, Suite 350  
Los Angeles, CA 90049  
Telephone: (310) 440-9996  
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Steven L. Hoch

Direct Dial: (310) 440-5081  
SHoch@HatchParent.com

December 10, 2003



Mr. David Athey  
Regional Water Quality Control Board  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906

Re: Olin Site - Tennant Well Operation

Dear Mr. Athey:

On October 30, 2003 we wrote to Mr. Packard concerning the issues relating to the operation of the Tennant Well, which the City wishes to get back on line. We sent a reminder to him about this on November 30, 2003. Since you are now handling this matter, we would request your immediate attention to this important issue on behalf of the City of Morgan Hill. For your assistance, we enclose a copy of that October 30<sup>th</sup> letter.

Looking forward to hearing from you soon.

Very truly yours,

  
Steven L. Hoch  
For HATCH & PARENT  
A Law Corporation

Enclosure

cc: Mr. Ed Tewes w/o enclosure  
Ms. Helene Leichter w/o enclosure  
Mr. Jim Ashcraft w/o enclosure

LA 4269 v1: 010371.0001

11911 San Vicente Boulevard, Suite 350  
Los Angeles, CA 90049  
Telephone: (310) 440-9996  
Fax: (310) 440-9961



Steven L. Hoch

Direct Dial: (310) 440-5081  
SHoch@HatchParent.com

October 30, 2003



Mr. Harvey Packard  
California Regional Water Quality Control Board  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Re: Olin Site - Tennant Well Pumping

Dear Mr. Packard:

Komex has performed a program of test pumping, downhole testing, and discrete-depth sampling of the Tennant Well in the City of Morgan Hill ("City").

The purpose of the investigation was to assess the current condition of the well, determine whether perchlorate is still present in water pumped from the Tennant Well, and determine whether discrete water-bearing zones might be preferential pathways of perchlorate migration into the well. During the testing the following downhole testing was performed: dynamic flow temperature logging, dynamic flow resistivity logging, dynamic flow spinner logging and discrete-depth water sampling. On August 1, 2003, the following downhole testing was performed: video logging, ambient temperature logging, ambient resistivity logging and ambient heat-pulse flow logging.

Further, the data collected strongly suggests that perchlorate is present at low concentrations throughout the lower aquifer adjacent to the screened zone. The strong vertical gradient in the absence of the Tennant Well pumping suggests a longstanding potential for downward migration of perchlorate pre-dating the operation of the Tennant Well beginning in 1979. This data certainly suggests additional on-site and off-site monitoring wells to characterize the lower zone below 200 ft bgs are warranted.

LA 3914 v1: 010371.0001

Based on the results of the testing it appears that perchlorate is entering the Tennant Well in approximately equivalent concentrations from all significant water-producing zones within the screened interval, or that water from different zones may be mixing in the filter pack and yielding equivalent concentrations at all depths within the well. Downhole testing indicates that very little water enters the well casing from depths greater than approximately 320 feet below the top of the casing. Calculated concentrations of perchlorate in pore water just outside of the well casing in all water-producing zones are generally just slightly lower than the PQL of 4.0 ug/L. A copy of the full and complete report is enclosed.

The Regional Water Quality Control Board (RWQCB) authored a letter to Olin dated May 13, 2003 in which stated, in pertinent part:

"The extraction and treatment of perchlorate contaminated water from the Tennant Avenue well will reduce the mass of perchlorate leaving the area and will provide partial hydraulic containment of the plume within the well's area of influence."

Olin wrote to the RWQCB on May 13, 2003 regarding the Tennant Well and stated in pertinent part:

"Testing such technology (ion exchange) at the Tennant Avenue well may, in fact, cause migration of perchlorate into currently clean groundwater and unnecessarily complicate on-site remediation."

Without reference to what Olin meant as to "testing such technology," we believe, based on the test results enclosed herein, that operating this well will accomplish what the RWQCB has stated it is desirous of doing, i.e. removing the mass of perchlorate that continues to impact the groundwater.

We have discussed this matter with the City of Gilroy and the Santa Clara Valley Water District. Both are in support of the operation of the system.

We request, therefore, that the RWQCB do the following:

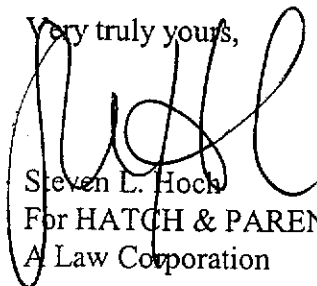
1. Meet with the City and its technical representatives to discuss the RWQCB's comments, if any, on the report;

Mr. Harvey Packard  
October 30, 2003  
Page 3

2. Establish whether the RWQCB has any requests concerning the perimeters of operation for the perchlorate treatment system and obtain from the RWQCB its written concurrence concerning the operation of the system based on the perimeters agreed to.

As always, the City would be happy to meet directly with Olin and/or its technical representatives on this matter. We have consistently supported such direct technical discussions and will continue to do so. In order to facilitate such discussions, under separate cover a copy of this letter and a copy of the report will be sent to counsel for Olin.

Very truly yours,



Steven L. Hoch  
For HATCH & PARENT  
A Law Corporation

Enclosures

cc: Mr. Ed Tewes w/enclosure  
Ms. Helene Leichter w/enclosure  
Mr. Jim Ashcraft w/enclosure  
Mr. Jon Rohrer w/out enclosure